

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICHOLAS MARTIN on behalf of himself)	
and others similarly situated,)	
)	
Plaintiff,)	Case 1:10-cv-3494
)	
v.)	Judge Dow
)	
CCH INCORPORATED,)	Magistrate Judge Ashman
)	
Defendant.)	

**DEFENDANT’S MOTION FOR EXTENSION OF TIME TO RESPOND TO
PLAINTIFF’S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

NOW COMES Defendant CCH Incorporated (“CCH”), by and through its counsel, and brings this Motion for Extension of Time to Respond to Plaintiff’s Motion for Leave to File Second Amended Complaint, and in support thereof, states as follows:

1. Plaintiff alleges that CCH violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), by calling Plaintiff’s cell phone using an automatic telephone dialing system or prerecorded or artificial voice message. (Am. Compl. ¶ 33.)
2. On September 30, 2011, Plaintiff filed a Motion for Leave to File a Second Amended Complaint (“Motion”). Dkt. 83. The proposed Second Amended Complaint expands the proposed class from a three-state class to a nationwide class. Dkt. 83-1 ¶ 45.
3. In order for CCH to reach out to Plaintiff to present a proposed framework for settlement in this case, and to have the opportunity to discuss that framework with Plaintiff’s counsel, the Court has granted CCH until January 10, 2012, to file an opposition to Plaintiff’s Motion. Dkt. 121.

4. CCH has now provided Plaintiff with a memorandum describing its proposed framework for settlement in this case and has conferred with Plaintiff's counsel several times regarding the proposed framework. The parties have not yet reached a settlement, but are in the process of discussing potential mediators.

5. Depending upon how discussions regarding the potential settlement framework proceed, it is possible that they will result in further refinements to the proposed class definition.

6. Accordingly, CCH would like additional time to discuss settlement with Plaintiff prior to filing an opposition to Plaintiff's Motion.

7. Counsel for CCH has conferred with Plaintiff's counsel regarding this motion, and Plaintiff's counsel has indicated that they do not oppose CCH's request for additional time.

WHEREFORE, CCH respectfully requests that this Court enter an order granting this motion and allowing CCH to have until February 29, 2012, to respond to Plaintiff's Motion for Leave to File the Second Amended Complaint, and awarding any further relief this Court deems just and proper.

Dated: January 10, 2012

Respectfully submitted,

CCH Incorporated

/s/ Sarah A. Zielinski

David L. Hartsell

Susan E. Groh

Sarah A. Zielinski

McGuireWoods LLP

77 West Wacker Dr., Suite 4100

Chicago, IL 60601-7567

Tel: (312) 849-8100

dhartsell@mcguirewoods.com

sgroh@mcguirewoods.com

szielinski@mcguirewoods.com

CERTIFICATE OF SERVICE

I, Sarah A. Zielinski, hereby certify that on this 10th day of January 2012, I filed the foregoing document and exhibits electronically through the Court's ECF system. Notice of this filing will be sent to all registered users through the ECF system.

/s/ Sarah A. Zielinski